

Indecent Assault Involving Young People With Learning Difficulties

A 13 year old boy indecently assaulted a 16 year old girl. Both the victim and offender had learning difficulties.

Deano was a well-built, strong 13 year-old boy with learning difficulties and severe emotional and behavioural difficulties. He attended a day school which could cater for his special needs. He was easily led by older pupils and, as he had matured, this had resulted in Deano often being involved in trouble. He lived with his mother in a large village community and they owned a block of land on which they kept a few horses. The land adjoined open countryside surrounding the village, which the local teenagers found useful as their secret play area.

The Offence

One autumn evening Deano and a 17 year-old male, Adrian, were feeding the horses and Adrian was boasting about his prowess with girls. Deano had never had a girlfriend and Adrian mocked him for his innocence. A little later, two 16 year-old female school friends (both with learning difficulties) arrived. One of the girls, Jane, was a regular visitor as she often came to feed the horses. Adrian incited and encouraged Deano to make a pass at Jane. Jane was embarrassed and didn't know what to do. Her friend quickly went home but, as Jane tried to leave, Deano caught her and dragged her into undergrowth where he clumsily, indecently assaulted her.

The Outcome

The investigation was prolonged because of Jane's fear of naming the offender. Finally, 3 months later, the Youth Offending Service referred the case, at Pre-Sentence Report stage. There was concern for the victim and her family and, also, Deano was not accepting full responsibility for the offence. The mediator was able to challenge Deano during an assessment in the presence of his Mother, Tricia. Deano eventually acknowledged what he had done. Following telephone contact with Jane's mother, Gail, a visit to the family home was arranged at a time when Gail would be alone. Gail explained that her whole family had been devastated by the offence and she was trying to maintain some sense of normality and prevent repercussions. Jane had become withdrawn and hardly spoke to her mother any more. Gail was very concerned about her emotional health. She and her husband had separated 18 months ago and he lived with his partner 10 miles away. When he was told of the offence he was livid and Gail was having great difficulty in restraining him from taking vengeance on Deano. Their 21 year old son was working away from home and he had not been informed of the offence as there was concern that he might over-react. Gail had lost 2 stones in weight and felt she couldn't speak to anyone about what had happened. Deano's first appearance in Court resulted in his receiving a 2 year

Supervision Order and an entry on the Sex Offender Register. During her next visit to the victim's mother, the mediator explained what the order would entail. She discovered that Jane was back at school and had put the incident behind her and her father had calmed down, but Gail was no better. The mediator then visited Deano's mother and discovered that she was also having difficulties coming to terms with what had happened. During a period of indirect mediation, both mothers decided that a mediation meeting could prove useful. The meeting was held one morning when the children were at school. The 2 women came from longestablished village families and had known one another all their lives. They had simultaneously attended the village primary school, in consecutive year groups. Tricia was highly embarrassed by her son's behaviour and wanted Gail to know that in no way did she condone it. She was eager to apologise to her and find out how Jane was feeling. Gail was relieved to be able to speak about it at last because they had both been avoiding one another in the village. They talked kindly with one another for a long time, supported by many cups of tea, and the meeting was often emotional. They agreed on a plan that would help to protect both their children but also allow them freedom to play and socialise in the village. They also wanted to be able to get feedback from each other as to how their plan was working, but were worried that telephone calls may be accessed by other members of the family. The mediator agreed to be the go-between for them. The meeting had been cathartic for both women and their plan worked excellently. The mediator initially telephoned on a weekly basis and over a period of 3 months gradually reduced it to once a month. Mediation would not have been a suitable option for the victim and offender, but on this occasion, it was appropriate for the 2 mothers and they each benefited from it. The monitoring of the situation by the parents meant that the young people could each quickly resume their leisure pastimes and put the incident behind them. Within a short space of time Gail had re-gained weight. She felt that closure on the matter had been achieved. Tricia was proud that she had been able to help Gail recover from the trauma and her sense of self-respect was restored, without minimising her son's actions. The 2 mothers were able to speak to one another again instead of avoiding each other